

Cat03, McHargh, Standard, Termed

**U.S. District Court  
Northern District of Ohio (Cleveland)  
CIVIL DOCKET FOR CASE #: 1:01-cv-01867-LW**

Equal Employment Opportunity Commission v. Sundance  
Rehabilitation Corporation  
Assigned to: Judge Lesley Wells  
Case in other court: 6th Circuit, 04-04178  
Cause: 29:633 Job Discrimination (Age)

Date Filed: 08/01/2001  
Date Terminated: 07/26/2004  
Jury Demand: None  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **C. Larry Watson**  
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V.

**Defendant**

**Sundance Rehabilitation Corporation**

represented by **Dean E. Westman**

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<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
08/01/2001	<a href="#"><u>1</u></a>	Complaint (0 summons and Magistrate Consent Forms issued) against Sundance Rehabilitation Corporation. Filed by Equal Employment Opportunity Commission. Filing fee waived. (Attachments: # <a href="#"><u>1</u></a> Civil Cover Sheet)(B, BA) (Entered: 08/02/2001)
08/01/2001	<a href="#"><u>2</u></a>	Random Assignment of Magistrate Judge Streepy (B, BA) (Entered: 08/02/2001)
08/01/2001	<a href="#"><u>3</u></a>	Case Information Statement ( <i>Standard Track</i> ) filed by Equal Employment Opportunity Commission. (B, BA) (Entered: 08/02/2001)
08/01/2001	<a href="#"><u>4</u></a>	Notice of Placement of case in the CM/ECF Docketing System (B, BA) (Entered: 08/02/2001)
08/29/2001	<a href="#"><u>5</u></a>	<i>Praecepte for other; 1st attempt of summons unsuccessful (issued 8/29/01)</i> filed by Equal Employment Opportunity Commission. (C, K A) (Entered: 08/29/2001)
08/30/2001	<a href="#"><u>6</u></a>	Waiver of Summons Returned <i>upon Sundance Rehabilitation Corporation on 8/1/01</i> filed by Equal Employment Opportunity Commission. (C, K A) (Entered: 08/31/2001)
10/01/2001	<a href="#"><u>7</u></a>	Answer to Complaint (Related Doc # <a href="#"><u>1</u></a> ) filed by Sundance Rehabilitation Corporation. (C, K A) (Entered: 10/02/2001)
10/01/2001	<a href="#"><u>8</u></a>	Corporate Disclosure Statement filed by Sundance Rehabilitation Corporation. (C, K A) (Entered: 10/02/2001)
12/18/2001	<a href="#"><u>9</u></a>	Case Management Conference Scheduling Order. Case management conference to be held on 3/14/2002 at 09:30 AM at Chambers 338. (Judge Lesley Wells)(C, L) (Entered: 12/18/2001)
02/21/2002	<a href="#"><u>10</u></a>	Motion for order <i>Excusing Defendant from Case Management Conference</i> filed by all defendants. (Westman, Dean) (Entered: 02/21/2002)

02/22/2002		Marginal Order (Non Document) Granting Motion to excuse. (Judge Lesley Wells)(Related Doc # <a href="#">10</a> )(C, L) (Entered: 02/22/2002)
02/28/2002	<a href="#">11</a>	Report of Parties Planning Meeting filed by Equal Employment Opportunity Commission. (Stern, Jeffrey) (Entered: 02/28/2002)
03/07/2002	<a href="#">12</a>	Notice of Service of <i>initial disclosures</i> filed by Sundance Rehabilitation Corporation. (Westman, Dean) Modified text 3/8/2002 (C, K A). (Entered: 03/07/2002)
03/07/2002	<a href="#">13</a>	Notice of Service of <i>EEOC's Initial Disclosure</i> filed by Equal Employment Opportunity Commission. (Stern, Jeffrey) (Entered: 03/07/2002)
03/14/2002	<a href="#">14</a>	Case Management Conference Plan/Order. Track Designated: Standard. Discovery due by 9/16/2002, Parties to be Joined and Pleading Amendments due by 6/13/2002, Dispositive Motions due by 11/15/2002, with status hearing to be held on 7/16/2002 at 03:00 PM at Chambers 338 with Final Pre-Trial Conference to be held on 6/2/2003, Jury Trial set for 7/7/2003 at 9:00 AM. (Judge Lesley Wells)(C, L) (Entered: 03/14/2002)
03/14/2002	<a href="#">15</a>	Order Designating Case for Electronic Filing. (Judge Lesley Wells)(C, L) (Entered: 03/14/2002)
03/15/2002	<a href="#">16</a>	Civil Bench Trial Order. Final Pre-Trial Conference set for 6/2/2003 at 04:00 PM at Chambers 338, Bench Trial set for 7/7/2003 at 9:00 AM. (Judge Lesley Wells)(C, L) Additional attachment(s) added on 3/15/2002 (C, L). (Entered: 03/15/2002)
03/15/2002	<a href="#">17</a>	Order Establishing Trial Docket. (Judge Lesley Wells)(C, L) (Entered: 03/15/2002)
05/28/2002	<a href="#">18</a>	Notice of Service of discovery on 5/28/02 filed by Sundance Rehabilitation Corporation. (Westman, Dean) Modified text 5/29/2002 (C, K A). (Entered: 05/28/2002)
07/17/2002	<a href="#">19</a>	Minutes of proceedings before Judge Wells held on 7/16/02. Parties are engaging in paper discovery; defendant anticipates filing a motion for summary judgment on lega issues within 30 days; plaintiff's counsel anticipates needing a medical leave. A telephonic status hearing to be held on 7/18/2002 at 03:00 PM to discuss any scheduling changes, and the Court will initiate the call. (Janet Alter) (H, D) (Entered: 07/18/2002)
07/19/2002	<a href="#">20</a>	Minutes of proceedings of telephone status conference before Judge Wells held on 7/18/02. Parties are to file a joint motion to stay proceedings for approximately 120 days to accommodate plaintiff's counsel medical leave. (Janet Alter) (H, D) (Entered: 07/19/2002)
07/31/2002	<a href="#">21</a>	Unopposed Motion to stay filed by Equal Employment Opportunity Commission. (Attachments: # <a href="#">1</a> Declaration in Support)(Related document(s) <a href="#">20</a> ) (Stern, Jeffrey) (Entered: 07/31/2002)
08/05/2002	<a href="#">22</a>	Marginal Entry Order signed on 8/5/2002 Granting Motion by plaintiff to stay proceedings (Related Doc # <a href="#">21</a> ). Stay granted until 11/20/02; discovery cutoff is 2/14/03; dispositive motion deadline is 3/14/03, no further extensions will be

		granted. (C, K A) (Entered: 08/06/2002)
08/08/2002	<a href="#">23</a>	Notice of Service of discovery filed by all defendants. (Westman, Dean) Modified text 8/9/2002 (C, K A). (Entered: 08/08/2002)
11/22/2002	<a href="#">24</a>	Motion for summary judgment filed by Sundance Rehabilitation Corporation. (Attachments: # <a href="#">1</a> # <a href="#">2</a> )(Westman, Dean) (Entered: 11/22/2002)
12/20/2002	<a href="#">25</a>	Opposition (Related Motion(s) <a href="#">24</a> ) to <i>Defendant's Motion for Summary Judgment</i> filed by Equal Employment Opportunity Commission. (Attachments: # <a href="#">1</a> Declaration of Elizabeth Salsbury# <a href="#">2</a> Declaration of Susan L. Smith)(Stern, Jeffrey) (Entered: 12/20/2002)
12/20/2002	<a href="#">26</a>	Appendix to <i>Memorandum in Opposition to Defendant's Motion for Summary Judgment</i> filed by Equal Employment Opportunity Commission. (Related document(s) <a href="#">25</a> ) (Stern, Jeffrey) (Entered: 12/20/2002)
12/27/2002	<a href="#">27</a>	Motion for extension of time <i>until 1/09/03 to file reply brief in support of motion for summary judgment</i> filed by Sundance Rehabilitation Corporation. (Westman, Dean) Modified text on 12/30/2002 (C, B). (Entered: 12/27/2002)
12/27/2002		Marginal Order (Non Document) Granting Motion for extension of time until 9 January 2003. (Judge Lesley Wells) (Related Doc # <a href="#">27</a> ) (C, L) (Entered: 12/27/2002)
01/09/2003	<a href="#">28</a>	Reply brief in support of motion for summary judgment (Related Motion(s) <a href="#">24</a> ) filed by Sundance Rehabilitation Corporation. (Westman, Dean) Modified text 1/10/2003 (C, K A). (Entered: 01/09/2003)
01/10/2003	<a href="#">29</a>	Notice of Service filed by Sundance Rehabilitation Corporation. (Westman, Dean) (Entered: 01/10/2003)
01/10/2003	<a href="#">30</a>	Motion for leave to <i>file Surreply Memorandum Instanter in Opposition to Defendant's Motion for Summary Judgment</i> filed by Equal Employment Opportunity Commission. (Related motion <a href="#">24</a> ) (Stern, Jeffrey) Modified text 1/13/2003 (C, K A). (Entered: 01/10/2003)
01/13/2003	<a href="#">31</a>	Notice of Service of discovery on 1/13/03 filed by Sundance Rehabilitation Corporation. (Westman, Dean) Modified text 1/14/2003 (C, K A). (Entered: 01/13/2003)
01/17/2003	<a href="#">32</a>	Notice of Service filed by Sundance Rehabilitation Corporation. (Westman, Dean) (Entered: 01/17/2003)
01/31/2003		Marginal Order (Non Document) Granting Motion for leave to file instanter. (Judge Lesley Wells) (Related Doc # <a href="#">30</a> )(C, L) (Entered: 01/31/2003)
03/14/2003	<a href="#">33</a>	Cross Motion for summary judgment filed by Equal Employment Opportunity Commission. (Related document(s) <a href="#">25</a> ) (Stern, Jeffrey) (Entered: 03/14/2003)
04/14/2003	<a href="#">34</a>	Opposition (Related Motion(s) <a href="#">33</a> ) to <i>Plaintiff's Cross Motion for Summary Judgment</i> filed by Sundance Rehabilitation Corporation. (Westman, Dean) Modified on 4/14/2003: Incomplete filing - Document to be Refiled (M, J A). Modified text 4/15/2003 (C, K A). (Entered: 04/14/2003)

04/14/2003	<a href="#">35</a>	Opposition (Related Motion(s) <a href="#">33</a> ) to <i>Plaintiff's Cross Motion for Summary Judgment</i> filed by Sundance Rehabilitation Corporation. (Westman, Dean) Modified text 4/15/2003 (C, K A). (Entered: 04/14/2003)
04/29/2003	<a href="#">36</a>	Order continuing final pretrial and trial dates. Once the Court has considered and ruled on the motions for summary judgment, new deadlines and dates will be established. Judge Lesley Wells. (Related document(s) <a href="#">24</a> , <a href="#">16</a> , <a href="#">25</a> , <a href="#">33</a> , <a href="#">35</a> ) (H, D) (Entered: 04/30/2003)
05/05/2003	<a href="#">37</a>	Reply (Related Motion(s) <a href="#">33</a> ) <i>Memorandum in Support of Cross Motion for Summary Judgment</i> filed by Equal Employment Opportunity Commission. (Stern, Jeffrey) (Entered: 05/05/2003)
05/07/2003	<a href="#">38</a>	Order referring case to Magistrate Judge Jack B. Streepy for a report and recommendation. (Judge Lesley Wells)(C, L) (Entered: 05/07/2003)
07/31/2003	<a href="#">39</a>	Report and Recommendation that the motion of SunDance for summary judgment (doc. 24) be granted, and the motion of the EEOC for summary judgment (doc. 33) be denied. Signed by Judge Jack B. Streepy on 7/31/2003. (S, DJ) (Entered: 07/31/2003)
07/31/2003	<a href="#">40</a>	Order terminating case referral and returning case to Judge Wells.. Signed by Judge Jack B. Streepy on 7/31/2003. (S, DJ) (Entered: 07/31/2003)
08/18/2003	<a href="#">41</a>	Objection to Report and Recommendation filed by Equal Employment Opportunity Commission. (Attachments: # <a href="#">1</a> Declaration of Beverly Anderson) (Related document(s) <a href="#">39</a> ) (Stern, Jeffrey) Modified text 8/29/2003 (C, K A). (Entered: 08/18/2003)
08/28/2003	<a href="#">42</a>	Opposition to <i>Plaintiff's Objections to Magistrate Judge's Report and Recommendation</i> filed by all defendants. (Related document <a href="#">39</a> ) (Westman, Dean) Modified text 8/29/2003 (C, K A). (Entered: 08/28/2003)
07/26/2004	<a href="#">43</a>	Memorandum of Opinion and Order denying defendant's motion for summary judgment (Related Doc # <a href="#">24</a> ), granting plaintiff's motion for summary judgment (Related Doc # <a href="#">33</a> ). SunDance shall pay to the EEOC its costs of bringing this action. Signed by Judge Lesley Wells on 7/26/04 (E, P). Modified text on 9/24/2004 (H, S P). (Entered: 07/26/2004)
07/26/2004	<a href="#">44</a>	Judgment Entry Order that the court contemporaneously entered it memorandum of opinion and order (Related Doc # <a href="#">44</a> ) granting plaintiff's motion for summary judgment and denying defendants' motion for summary judgment and Forthwith, shall pay to the EEOC its costs of bringing this action. Signed by Judge Lesley Wells on 7/26/04. (E, P) Modified text to add link on 7/26/2004 (E, P). (Entered: 07/26/2004)
09/23/2004	<a href="#">45</a>	Motion to stay of <i>Proceedings to Enforce Judgment and for Suspension of Injunctive Relief</i> filed by Sundance Rehabilitation Corporation. (Westman, Dean) (Entered: 09/23/2004)
09/23/2004	<a href="#">46</a>	NOTICE OF APPEAL to the 6th Circuit Court of Appeals from the <a href="#">43</a> Memorandum of Opinion and Order and <a href="#">44</a> Judgment Entry of 7/26/04, filed by Sundance Rehabilitation Corporation (Westman, Dean). Filing Fee Paid 10/1/04, see document <a href="#">47</a> . Modified text on 9/24/2004 (H, S P). Modified for fee on

		10/1/2004 (H, S P). (Entered: 09/23/2004)
10/01/2004	<a href="#">47</a>	USCA Appeal Fees of \$255.00 received, receipt number #664515 re <a href="#">46</a> Notice of Appeal (H, S P) (Entered: 10/01/2004)
10/01/2004	<a href="#">48</a>	Acknowledgment from the USCA for Sixth Circuit of receipt of <a href="#">46</a> Notice of Appeal (USCA# 04-4178). Date filed in USCA 9/29/04. (H, S P) (Entered: 10/01/2004)
10/12/2004	<a href="#">49</a>	Opposition to Motion to stay of <i>Proceedings to Enforce Judgment and for Suspension of Injunctive Relief</i> filed by Equal Employment Opportunity Commission. Related document(s) <a href="#">45</a> . (Attachments: # <a href="#">1</a> )(Stern, Jeffrey) (Entered: 10/12/2004)
10/14/2004	<a href="#">50</a>	Transcript Request by Sundance Rehabilitation Corporation re <a href="#">46</a> Notice of Appeal. Transcript is unnecessary, there were no hearings. (H, S P) (Entered: 10/14/2004)
11/02/2004		Order (Non Document) Denying Motion to stay for lack of good cause shown under Federal Rule Civil Procedure 62 or otherwise, defendant's motion for stay is denied. (Related Doc # <a href="#">45</a> )(Judge Lesley Wells)(C, L) (Entered: 11/02/2004)
10/26/2006	<a href="#">51</a>	Information Copy of opinion from USCA for the Sixth Circuit: Reversing the judgment of the District Court re <a href="#">46</a> Notice of Appeal (USCA# 04-4178). This is not a mandate order. Circuit Judges: Boggs and Batchelder, District Judge: Cohn. Date issued by USCA 10/24/06 (Attachments: # <a href="#">1</a> Judgment) (H, S P) (Entered: 10/27/2006)
03/23/2007	<a href="#">52</a>	True copy of mandate from the USCA for the Sixth Circuit: Reversing the judgment of the District Court as to <a href="#">46</a> Notice of Appeal (USCA# 04-4178). Date issued as mandate 3/21/07, Costs: None (Related document <a href="#">51</a> ) (H, SP) (Entered: 03/26/2007)
06/14/2007	<a href="#">53</a>	Appeal Remark from US Supreme Court: An extension of time is granted up to and including 7/11/07 to file a petition for a writ certiorari (No. 04-4178) (H, SP) (Entered: 06/15/2007)

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